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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,422	02/01/2001	Paul Bucknell	GB 000015	6658

24737 7590 04/26/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

CHO, UN C

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 04/26/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,422

Applicant(s)

BUCKNELL ET AL.

Examiner

Un C Cho

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 11-15 is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings were received on 2/24/2004. These drawings are accepted by the examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 7 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wante (WO 99/57899).

Regarding claim 7, Wante teaches a method for reconfiguring operating parameters through the transmission of a data and control message between first station (secondary station) and a second station (primary station) (Wante, Page 7, lines 6 – 9 and Page 10, lines 9 - 11). Wante teaches the use of control

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message (referred to as "MAP" message), it is well known to one of ordinary skill in the art that MAP message typically contains a MAC management header incorporating parameters facilitating desired processing by the MAC wherein the parameters included in the header are used by the second station (primary station) to determine the reconfiguration time (Wante, Page 15, lines 19 – 22).

Regarding claim 8, Wante teaches that parameters are used to specify the reconfiguration process (Wante, Page 7, line 26 through Page 8, line 2).

Regarding claim 9, Wante teaches that parameters are used to specify the reconfiguration process as proportion of reconfiguration time (Wante, Page 15, lines 15 – 20).

Regarding claim 10, Wante teaches that parameters are used to specify the operating parameters to be reconfigured (Wante, Page 7, line 26 through Page 8, line 2).

Allowable Subject Matter

3. Claims 1 – 6 and 11 – 15 are allowed.

Regarding claim 1 Wante (WO 99/578899) teaches sending a message from the primary station to the secondary station to inform the secondary station switch over time (page 13, lines 4 – 12). However, Wante fails to teach the software reconfiguration message including indicia which is useable by the second station to estimate how long it will take to reconfigure itself, the second station receiving the message and using the indicia estimates its reconfiguration

time, the second station sending a message giving an indication of the reconfiguration time to the first station, and the first station in response to determining the reconfiguration time, waiting until after the time has elapsed before using the reconfigured software in communication with the second station.

Regarding claim 11, Wante (WO 99/578899) teaches sending a message from the primary station to the secondary station to inform the secondary station switch over time (page 13, lines 4 – 12). However, Wante fails to teach means for reconfiguring at least some of the configuration software in the store, means for estimating the reconfiguration time on the basis of indicia included in a reconfiguration message transmitted by the primary station, the reconfiguration time being transmitted to the primary station.

Regarding claim 14, Wante (WO 99/578899) teaches sending a message from the primary station to the secondary station to inform the secondary station switch over time (page 13, lines 4 – 12). However, Wante fails to teach a station having a transceiver, a processor, a store for storing configuration software, means, responsive to an external message, for reconfiguring software in the store, and means for estimating a reconfiguration time in response to indicia in the external message and for causing the transceiver to transmit the estimated reconfiguration time.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703)305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho 4/20/04 UC
Examiner
Art Unit 2682


LEE NGUYEN
PRIMARY EXAMINER